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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER MONDT, JOHANNES P	
			ART UNIT 3663	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/528,225	DA CONCEICAO, JOSE	
	Examiner	Art Unit	
	JOHANNES P. MONDT	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9-11, 15, 19, 21, 23, 26, 28-43, 45-48, 50, 52, 54 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**Continuation of Disposition of Claims: Claims withdrawn from consideration are 4,6-8,12-14,16-18,20,22,24,25,27,44,46,47,49,51 and 53.**

***Election/Restrictions***

1. Applicant's election without traverse of the species as listed in the reply filed on 11/08/07 is acknowledged.

***Specification***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The Specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention and as failing to adequately teach how to make an/or use the invention, i.e., failing to provide an enabling disclosure as defined under 35 USC 112, first paragraph. Furthermore, the propulsion motor, processes and beams from thermonuclear fusion micro reactions as disclosed fail to have either a credible or a well established utility as defined under 35 USC 101 and is inoperative. As set forth below, the disclosure does not contain reputable evidence sufficient to support any allegations or claims of the invention as claimed, i.e., a "propulsion spaceships ... with specific impulse more than obtained from nuclear fission or chemical reactions... due to thermonuclear fusion reactions" (see [0001] in the Specification; hence necessarily comprising a nuclear fusion reactor, i.e., comprising an as yet hypothetical device that can generate energy by combining two light nuclei to form a heavier nucleus (see Academic Press Dictionary of Science and Technology,

1992). For said nuclear fusion reactor to be operable it is necessary to satisfy at least two criteria, i.e.: (a) a condition for sufficient confinement, quantified in Lawson's Criterion (see Lawson, 1957) still quite relevant to date (see for instance J. Lister's Book Review on "Fusion: The Energy of the Universe" by McCracken et al), and (b) a condition equivalent to ignition temperature for thermal systems (see L. A. Artsimovich) should have been shown to be satisfied, but there is no discussion of either Lawson's criterion nor of the criterion for ignition.

Given the lack of achievement in world-wide attempts to satisfy both conditions (simultaneously) for even the easiest-to-achieve D-T or D-D fusion reactor conditions, omission by applicant of any experimental, evaluated data is even more inexplicable. Applicants are reminded of the status of inertial confinement fusion (ICF), including fast ignition scenarios similar to applicant's fast ignition target, which is still facing proof-of-principle requirements, as implied by "Plasma Science: Advancing Knowledge in the National Interest", National Research Council of the National Academies, May 2007: see especially section 1.3.5, pp. 33-34. This means that even years after the filing of their application, inventor has not succeeded in convincing the research community that the invention is a serious contender to achieve thermonuclear fusion reactor conditions. See MPEP 2164.05 for relevance of references after filing date when a later-dated reference provides evidence of what one skilled in the art would have known on or before the effective filing date of the patent application. Furthermore, as explained by the National Research Council, the laser trigger system requires a laser power of orders of magnitude over and

above the stated requirement for inventor's trigger laser 3 (see [0051] in the Application and page 33 of the National Research Council's Report, loc.cit.), which leads one of ordinary skill in the art to conclude that the power required to achieve ignition should be expected to be many orders of magnitude greater than alleged as sufficient by applicant in his description of his invention. That this is also true for fast ignition trigger energetic systems 7, see Tabak et al (Phys. Plasmas 1 (issue 5), pp. 1626-1634, especially abstract and II. Gain Models, pp. 1626-1628 and III. Fuel Assembly, pp. 1628-1629).

Applicant does not show, in the Specification, - nor anywhere else to the best of examiner's knowledge, that the requisite efficient power required for the asserted utility, can be achieved. Nor does the Specification show any experimental data from which a theoretical analysis may be used to extrapolate to the device as disclosed in a manner accessible to the practitioner so as to practice the invention without undue experimentation, for which the time-honored criteria (see MPEP 2164.01(a)) are as follows:

(A) the breadth of the claims as supported by said Specification fully encompass configurations that are extremely problematic even to the standards of research in inertial fusion research;

(B) the nature of the invention is best characterized as a claimed culmination of more than half a century of worldwide research and development to achieve an operative fusion reactor, which, by this, - extraordinary nature, requires extraordinary substantiation, which applicants have not provided because no experimental data

have been provided that substantiate such world-premiere achievement;

(C) the state of the prior art on the issue of enablement, rather than rendering justification for credence, appears to strongly detract from the credibility of the disclosure, as witnessed by the prior art references provided above;

(D) as witnessed by said references, one of ordinary skill in the art would be expected to solve fundamental problems associated with retaining the necessary symmetry during the dynamics so as to avoid instability but without thereby consuming more energy than can be obtained from fusion reactivity, and hence would be confronted with the need to solve a fundamental research problem about how to achieve a positive energy balance in order to be able to practice the invention in the form of its asserted utility;

(E) the level of predictability in the art of nuclear fusion reactor research is notoriously low: indeed, as expressed, for instance, by Lampe et al (Naval Research Laboratory Report NRL/MR/6709-98-8305, especially page 2) forty years' experience "provides convincing proof that fusion is a much more challenging problem than was envisioned by the pioneers" (page 2, Lampe et al, loc. cit.), accordingly, expectation of success given no experimental data is not at all justified;

(F) given the lack of experimental data and the specific contentions set forth in the above references, the amount of direction provided by the inventors is negligible;

(G) no working examples are provided in detail except for some wholly unsubstantiated numerical values, the detailed description of the invention merely

providing prophetic quantification of examples at best, because a prerequisite of any working example of a device long sought after all over the world for more than half a century but not yet obtained is the provision of experimental data demonstrating that the device is ready for immediate utility;

(H) in light of the above contentions as well as the lack of predictability in the art as explained above, the quantity of experimentation needed to make or use the invention based on the content of the disclosure is prohibitive of profitable use at the time the invention was made, which is the standard (see MPEP 2164.05(a)).

Accordingly, the invention as disclosed is held not to be enabled and the system as disclosed by Applicant is held to be inoperative. In this regard it is noted that in the recent report on Plasma Science by the National Research Council of the National Academies (May 2007) still holds that a fusion burning plasma in even the far more advanced field of magnetic confinement still is the topic of intensive scientific research (see section 1.3.3, pp. 28+) and that the ITER (tokamak) project aims at achieving the next step in said research, i.e., the achievement of said burning fusion plasma. Apparently, the (by design) much smaller and affordable system by the inventors has not been able to overtake the main tokamak research as the main line in fusion research, even six years after the filing of the provisional application by inventors. Evidently, inventors have not succeeded in convincing the National Research Council that their invention is a serious contender even years after the filing of the application. See MPEP 2164.05 for relevance of references after filing date when a later-dated reference provides evidence of what one skilled in the art



would have known on or before the effective filing date of the patent application.

The claimed invention as a whole must be useful and accomplish a practical application, i.e., it must produce a "useful, concrete and tangible result". The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (MPEP 2106). From the aforementioned discussion of the prior art and the references it is clear that the propulsion motor and the "process and beams" of inventors fail to have a well-established utility (see in particular, the National Research Council Report cited above), nor do they have a credible utility in the absence of a demonstration in the specification of the achievement of ignition (see again the cited references above, especially Lampe et al and the National Research Council's Report on Plasma Science).

Because the claimed invention falls short of meeting said requirement of enablement, the invention fails to have either a well-established or a credible utility and is inoperative.

In conclusion, in light of the above consideration the Specification fails to provide enabling disclosure for the claimed invention of inventor's "processes and beams".

Furthermore, because of said lack of enablement the "processes and beams" as disclosed are not operative and lack a credible asserted utility.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The Specification is further objected to for being replete with  
incomprehensible language; see, for instance (but by no means exclusively)  
paragraphs [0002], [0010], [0017], [0040], and [0048].

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

The reasons for this rejection are the same as those set forth above for the objection to the Specification for lack of a credible or well-established utility (see section 5 overhead).

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** also are rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well

established utility as explained above in section 7 above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The reasons for this rejection are the same as set forth above for the objection to the Specification under 35 U.S.C. 112, first paragraph above (see section 5 overhead).

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, through dependence or directly, all of the above claims are drawn through the pre-amble to process ("processes") and to two types of apparatus ("beams") used in the process. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. See MPEP 2173.05(p), section II.

14. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** recite, through independent claim 1, line 2, the limitation "the motor characterized by" (sic). There is insufficient antecedent basis for this limitation in the claim.

15. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** recite, through independent claim 1, line 3, the limitation "it ". There is insufficient antecedent basis for this limitation in the claim.

16. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** recite, through independent claim 1, line 4, the limitation "the reactor room". There is insufficient antecedent basis for this limitation in the claim.

17. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** recite, through independent claim 1, lines 4-5, the limitation "the mean drive ". There is insufficient antecedent basis for this limitation in the claim.

18. ***Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55*** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, all of the above claims through claim 1 recite "two cylindrical rings" (line 3), but additionally not only "a third cylindrical ring" (line 4), but also "the cylindrical ring" (lines 5-6); the latter is poly-interpretable as either of said two cylindrical rings or said third cylindrical ring. The resulting poly-interpretability of the claim language renders all claims indefinite.

19. **Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55** recite, through independent claim 1, line 6, the limitation "the exhaust wall". There is insufficient antecedent basis for this limitation in the claim.

20. **Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55** recite, through independent claim 1, line 7, the limitation "the magnet coils". There is insufficient antecedent basis for this limitation in the claim.

21. **Claims 1-3, 5, 9, 10, 11, 15, 19, 21, 23, 26, 2-43, 45, 46, 47, 48, 50, 52, 54 and 55** recite, through independent claim 1, line 7, the limitation "the driver system". There is insufficient antecedent basis for this limitation in the claim.

22. **Claim 2** recites the limitation "the vertical axis from exhaust" through line 2. There is insufficient antecedent basis for this limitation in the claim.

23. **Claim 3** recites the limitation "the target" through line 4. There is insufficient antecedent basis for this limitation in the claim.

24. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "Kevlar" is a trade name, and hence the limitation defines an origin of manufacture but does not define the composition, as it

may change as owner of the trademark pleases. Furthermore, the trademark (Kevlar, which is a trademark for poly-para-phenylene-terephthalamide) should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. In the instant application no further specification of Kevlar is included in the specification, and hence some uncertainty exists as to the precise chemical composition, thus rendering the claim indefinite.

25. **Claim 5** recites the limitation "the magnet" through line 2. There is insufficient antecedent basis for this limitation in the claim.

26. **Claim 9** recites the limitation "the exhaust internal diameter" through line 2. There is insufficient antecedent basis for this limitation in the claim.

27. Regarding **claim 10**, the phrase "like in "like a reactor" (line 3) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

28. **Claim 10** recites the limitation "at target" through line 4. There is insufficient antecedent basis for this limitation in the claim.

29. **Claim 10** recites the limitation "the inner capsule" through line 5. There is insufficient antecedent basis for this limitation in the claim.

30. **Claim 10** recites the limitation "the energetic beam" through line 6 (N.B.: single, rather than plural). There is insufficient antecedent basis for this limitation in the claim.

31. **Claim 10** recites the limitation "the external vessel" through line 8. There is insufficient antecedent basis for this limitation in the claim.

32. **Claim 10** recites the limitation "the fuel" through line 9. There is insufficient antecedent basis for this limitation in the claim.

33. **Claim 10** recites the limitation "injector system" through line 10. There is insufficient antecedent basis for this limitation in the claim.

34. **Claim 10** recites the limitation "production system" through line 10. There is insufficient antecedent basis for this limitation in the claim.

35. **Claim 21** recites the limitation "the magnets and magnets" through line 4. There is insufficient antecedent basis for this limitation in the claim, because of a lack of antecedent basis of "the magnets" including the independent claim and claim 10, "magnets" as recited additionally do not in wording distinguish from the already so introduced "magnets".

36. **Claim 23** recites the limitation "the cylindrical capsule" through lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

37. **Claim 26** recites the limitation "inside spherical reactor vessel cylinder rod separately from target..." through line 3. This phrase is linguistically fully incomprehensible because "inside" inherently must point to a specific structure, not a list without any punctuation, of such structures, as done here (the list containing (a) "reactor vessel", and (b) "cylinder rod"). As a result, the sentence starting on line 1 and ending on line 4 as a whole is fully incomprehensible, and a fortiori indefinite.

38. **Claim 31** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

39. **Claim 31** recites the limitation "the center of the cylinder" through line 4. There is insufficient antecedent basis for this limitation in the claim.

40. **Claim 32** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

41. **Claim 32** recites the limitation "the center of cylinder" through line 4. There is insufficient antecedent basis for this limitation in the claim.

42. **Claim 33** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

43. **Claim 33** recites the limitation "the center of sphere" through line 4. There is insufficient antecedent basis for this limitation in the claim because "the sphere" does not have antecedent basis.

44. **Claim 34** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant



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regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

45. **Claim 34** recites the limitation "the center of sphere" through line 4. There is insufficient antecedent basis for this limitation in the claim because "the sphere" does not have antecedent basis.

46. **Claim 33** recites the limitation "the center of sphere" through line 4. There is insufficient antecedent basis for this limitation in the claim because "the sphere" does not have antecedent basis.

47. **Claim 35** recites the limitation "the center of sphere" through line 4. There is insufficient antecedent basis for this limitation in the claim because "the sphere" does not have antecedent basis.

48. **Claim 35** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

49. **Claim 36** recites the limitation "the target of ellipsoidal shape" through line 3. There is insufficient antecedent basis for this limitation in the claim.

50. **Claim 36** recites the limitation "the center of ellipsoid" through line 4. There is insufficient antecedent basis for this limitation in the claim because "the ellipsoid" does not have antecedent basis.

51. **Claim 37** recites the limitation "the target of ellipsoidal shape" through line 3. There is insufficient antecedent basis for this limitation in the claim.

52. **Claim 37** recites the limitation "the center of ellipsoid" through line 4. There is insufficient antecedent basis for this limitation in the claim because "the ellipsoid" does not have antecedent basis.

53. **Claim 37** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

54. **Claim 38** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

55. **Claim 38** recites the limitation "the target of cylindrical/ellipsoidal/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the claim., while the expressions "cylindrical/ellipsoidal/spherical" and a parenthetical (sic) additional limitation "laser/particles" are indefinite because they are poly-interpretable.

56. **Claim 39** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

57. **Claim 39** recites the limitation "the target of cylindrical/ellipsoidal/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the

claim., while the expression "cylindrical/ellipsoidal/spherical" is indefinite because it is poly-interpretable.

58. **Claim 40** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

59. **Claim 40** recites the limitation "the target of cylindrical/ellipsoidal/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the claim., while the expression "cylindrical/ellipsoidal/spherical" is indefinite because it is poly-interpretable.

60. **Claim 41** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

61. **Claim 41** recites the limitation "the target of cylindrical/ellipsoidal/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the claim., while the expressions "cylindrical/ellipsoidal/spherical" and a parenthetical (sic) additional limitation "laser/particles" are indefinite because they are poly-interpretable.

62. **Claim 41** recites the limitation "the target of cylindrical/ellipsoidal/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the claim., while the expressions "cylindrical/ellipsoidal/spherical", "micro/mini" and a parenthetical limitation "laser/particles" are indefinite because it is poly-interpretable.

63. **Claim 42** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, "happening" (line 4) is not related to any subject, rendering the content of the claim indefinite.

64. **Claim 42** recites the limitation "the target of cylindrical/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the claim., while the expressions "cylindrical/spherical" and "micro/mini" are indefinite because they are poly-interpretable.

65. **Claim 43** recites the limitation "the target of cylindrical/spherical shape" through line 3. There is insufficient antecedent basis for this limitation in the claim., while the expressions "cylindrical/spherical" and "micro/mini" are indefinite because they are poly-interpretable.

66. **Claim 43** recites the limitation "the tamper shell" through line 4. There is insufficient antecedent basis for this limitation in the claim.

67. **Claim 43** recites the limitation "the neutron reflector shell" through line 4. There is insufficient antecedent basis for this limitation in the claim.

68. **Claim 43** recites the limitation "the fission shell" and "the fusion shell" through lines 4-5. There is insufficient antecedent basis for these limitations in the claim.

69. **Claim 45** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the sentence containing the sub-sentence "characterized by in the target the tamper shell constituted from tantalum in micro

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fission explosions and the other shells the same" is fully incomprehensible, because "by in" is indefinite as it may mean either "by" or "in"; nor is it clear what it is that is being constituted: the target or the tamper shell; nor what the verb-less fragment "and the other shells the same" means.

70. The term "micro" in **claims 31-35, 37-45, 47 and 48** as qualifier of explosions or lenses is a relative term which renders the claim indefinite. The terms "micro explosions" and "micro lenses" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

71. **Claim 47** recites the limitation "micro/mini fusion/fission explosions" through line 3. The expressions "micro/mini" and "fission/fusion" are indefinite because they are poly-interpretable.

72. **Claim 47** recites the limitation "the beam" and through lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

73. **Claim 48** recites the limitation "micro/mini fusion/fission explosions" through line 3. The expressions "micro/mini" and "fission/fusion" are indefinite because they are poly-interpretable.

74. **Claim 48** recites the limitation "the beam" and through lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

#### ***Claim Rejections - 35 USC § 102***

75. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

76. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Miley et al (6,121,569). The following rejection is offered subject to the multiple and serious indefiniteness under 35 USC 112, second paragraph, as explained above in section *Miley et al teach* a propulsion motor (col. 1, l. 11-23) also comprising beams (col. 6, l. 10-17) and characterized by (at least) two spherical or cylindrical rings 111/116, or 613/611, or 413/411, or 311/316, or 711/770/713 (Figures 2-10 and col. 7, l. 28+, col. 9, l. 65+, col. 11, l. 25+, and col. 12, l. 18+) (for cylindrical shape see col. 10, l. 21-34) with supports of sustentation (see, e.g., 423 (Fig. 7 and col. 11, l. 25-40)) and a third cylindrical ring (see the plurality of rings 711 in the embodiment of Figure 10), the outer one of which sustaining a reactor room (inside the latter, in the inner compartment delineated by ring 713; see col. 12, l. 18) of the main drive placed between the two terminal rings that in their turn are fixed to the cylindrical ring sustaining the exhaust wall (between 750) thus capable of protecting magnet coils 750 (col. 12, l. 47), thus forming a driver system placed behind the magnets (to the left thereof in Figure 10) and inside the reactor room (encased by 711: cf. Fig. 10).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHANNES P. MONDT whose telephone number is (571)272-1919. The examiner can normally be reached on 8:00 - 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner:

  
Johannes Mondt (Art Unit: 3663)